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EXAMINER	
LEE, BENJAMIN C	
ART UNIT	**PAPER NUMBER**
2632	8

DATE MAILED: 05/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/812,302	BARBER ET AL.	
	Examiner	Art Unit	
	Benjamin C. Lee	2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 October 2001* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-81* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *36-42* is/are allowed.

6)☐ Claim(s) *1-20,22-35,43-47,49-53,55-63 and 66-81* is/are rejected.

7)☒ Claim(s) *21,48,54,64 and 65* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☒ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *5* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. **Claim 53** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

1) In claim 53, line 1, "said first circuit" lacks antecedent basis.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. **Claims 1 and 7** are rejected under 35 U.S.C. 102(a) as being anticipated by Su (US pat. #5,815,090).

1) In considering claim 1, Su disclosed all of the claimed subject matter:

-- the claimed method of installing a pest control device (Figs. 1-3) including a communication circuit (Fig. 3), and locating the pest control device (Fig. 7) after installation by receiving a wireless transmission (Fig. 3 and col. 4, lines 18-30) from the pest control device (col. 3, lines 45-64).

2) In considering claim 7, Su disclosed all of the claimed subject matter as in claim 1, including:

--the claimed said pest control device is provided with a monitoring bait during said installing and further comprising detecting at least partial consumption of the monitoring bait and installing a pesticide bait in response to said detecting (col. 5, lines 53-60 and col. 7, line 51-56).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. **Claim 68** is rejected under 35 U.S.C. 103(a) as being unpatentable over Su.

1) In considering claim 68, Su disclosed all of the claimed subject matter as in claim 1, including:

a) claimed use of bait and pesticide (see claim 7);

except:

b) the claimed wherein the bait includes a pesticide.

While Su uses separate baits and pesticide members, it has been well known in the pest control art to alternatively include a pesticide with the bait so that the pest is destroyed by ingesting the pesticide during at the same time the bait is being ingested. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to alternatively include pesticide with the bait in a system such as taught by Su.

6. **Claims 2-6, 8-16, 23-30, 32-35, 43-45, 47, 49, 56-63, 66-67, 69-76, 78 and 80-81** are rejected under 35 U.S.C. 103(a) as being unpatentable over Su in view of Lowe (US pat. #5,764,138) and Zimmermann et al. (US pat. #3,836,842).

1) In considering claim 2, Su disclosed all of the claimed subject matter as in claim 1, including:

a) claimed wherein the pest control device is one of a plurality of pest control devices placed at least partially in the ground about a building during said installation, the pest control device each including a transmitter configured to transmit a unique identifier in response to an interrogation (col. 3, lines 45-64; col. 1, line 5 to col. 2, line 39), wherein unique identifiers for the sensors are inherent in order to distinguish the plurality of sensors according to Figs. 3 and 7;

except:

b) the claimed pest control devices each include a passive RF transmitter configured to transmit the unique identifier in response to an interrogation signal from a hand-held interrogator.

Su teaches a pest control device including a pest presence status monitoring circuit having a pest presence sensor so that the status can be interrogated and location determined (col. 3, lines 45-64 and col. 4, lines 18-30 and Figs. 2-3 & 7), wherein the pest control device inherently requires a power source locally in exchange for convenience by reducing the need for on-site manual inspection of the pest control device site for status (col. 2, lines 16-30).

Lowe teaches that a wireless parameter monitoring device and its parameter reporting can be implemented using interrogation-response type transponder and interrogator combination, wherein the transponder alters its transmission based on the status of the parameter which is

transmitted back to the interrogator along with its identification code, wherein such passive RF transponder needs no local power supply and is powered using the interrogation signal energy and wherein since the interrogation range is limited, detection of the transponder inherently locates the transponder to be in the proximity of the interrogator within a range defined by the effective communication range of the interrogator and transponder (Abstract; col. 3, lines 2-36 and the figure, wherein the pressure parameter sensing is used only as an illustrative example of the parameter interrogation system and thus switch 14 and sensor 16 together are consistent with the broken-circuit detection of Su in accordance with col. 5, lines 34-60 of Su as an intended use).

Zimmermann et al. teaches that a passive transponder can be placed in the ground to mark an object, and a hand-held interrogator can be used to interrogate and locate it.

In view of the teachings by Su, Lowe and Zimmermann et al., it would have been obvious to one of ordinary skill in the art at the time of the claimed invention that if a user of a pest monitoring and controlling system such as taught by Su prefers to save the cost of a local power supply on the pest control device and its associated maintenance, a passive interrogation-responsive transponder such as taught by Lowe can be used to implement the identification and sensor status communication feature of the pest control device taught by Su, and furthermore that since such a system requires that a user bring the interrogator to the field near the pest control device to interrogate it, a hand-held type implementation of the interrogator such as taught by Zimmermann et al. can be used to facilitate convenience handling of the interrogator for the user.

2) In considering claim 3, Su, Lowe and Zimmermann et al. made obvious all of the claimed subject matter as in claim 2, including:

--the claimed wherein the pest control device is installed at least partially below ground and further comprising servicing the pest control device after said locating (col. 7, lines 36-56 of Su).

3) In considering claim 4, Su met all of the claimed subject matter as in claim 1, plus the consideration of claim 2 in view of Lowe and Zimmermann et al.

4) In considering claim 5, Su, Lowe and Zimmermann et al. made obvious all of the claimed subject matter as in claim 4, including:

--claimed bait member (col. 5, lines 53-60 of Su) included on the pest control device, and the method comprises receiving a bait status signal in response to the interrogation signal (the reported parameter status considered in claim 2 is the status of the bait as well as the status of the circuit indicative of termites chewing on the bait as well as the circuit traces).

5) In considering claim 6, Su, Lowe and Zimmermann et al. made obvious all of the claimed subject matter as in claim 5, including:

--the claimed transmitting information about the pest control device from the interrogator to a data collection device (Figs. 1-3 of Su).

6) In considering claims 8 and 12, Su, Lowe and Zimmermann et al. made obvious all of the claimed subject matter as in the consideration of claim 2.

7) In considering claim 9, Su, Lowe and Zimmermann et al. made obvious all of the claimed subject matter as in claim 8, plus the consideration of claim 6.

8) In considering claim 10, Su, Lowe and Zimmermann et al. made obvious all of the claimed subject matter as in claim 8, wherein:

--the claimed repositioning the interrogator to communicate with a third pest control device is met by the function of the hand-held interrogator whereby in use an operator holds the interrogator and moves to the proximity of individual pest control devices to interrogate the identification and status of each.

9) In considering claim 11, Su, Lowe and Zimmermann et al. made obvious all of the claimed subject matter as in claim 8, plus the consideration of claims 4-5.

10) In considering claim 13, Su, Lowe and Zimmermann et al. made obvious all of the claimed subject matter as in claim 8, plus the consideration of claims 2-3.

11) In considering claim 14, Su, Lowe and Zimmermann et al. made obvious all of the claimed subject matter as in claim 8, plus the consideration of claims 5-7.

12) In considering claim 15, Su, Lowe and Zimmermann et al. made obvious all of the claimed subject matter as in claim 8, plus the consideration of claim 5, wherein:

--the claimed edible bait member for one or more species of pest is met by the chewable cellulose materials fed by termites according to col. 5, lines 53-60 of Su.

13) In considering claim 16, Su, Lowe and Zimmermann et al. made obvious all of the claimed subject matter as in the consideration of claim 2.

14) In considering claims 23-30, Su, Lowe and Zimmermann et al. made obvious all of the claimed subject matter as in the consideration of claims 6 and 8-15.

15) In considering claim 32, Su, Lowe and Zimmermann et al. made obvious all of the claimed subject matter as in 29, wherein:

It would have been obvious to one of ordinary skill in the art at the time of the claimed invention that various termite bait, such as wood and other materials, including those by happen-

stance comprising or having magnetic material in it or mixed with it, such as a result of storing the bait on a storage area previously used for storing magnetic material so that magnetic/iron remnants are mixed with the later bait material, would still be accepted by termites as food and therefore can still be used in a system such as taught by Su, Lowe and Zimmermann et al.

16) In considering claim 33, Su, Lowe and Zimmermann et al. made obvious all of the claimed subject matter as in 29, including:

--the claimed wherein at least one pest control device includes an environmental sensor. (humidity sensor according to col. 7, lines 26-35 of Su).

17) In considering claims 34-35, Su, Lowe and Zimmermann et al. made obvious all of the claimed subject matter as in 29, including:

--the claimed electrically conductive loop (Figs. 4-5 of Su) coupled to said passive RF communication circuit, said loop being arranged to be altered during consumption or displacement of said bait member to provide status signal having a first state indicating said loop is electrically closed and a second state indicating said loop is electrically open (col. 5, lines 34-63 of Su in combination with Fig. 1 of Lowe).

18) In considering claim 43-45 and 49, Su, Lowe and Zimmermann et al. made obvious all of the claimed subject matter as in the consideration of claims 34 and 5-6.

19) In considering claim 47, Su, Lowe and Zimmermann et al. made obvious all of the claimed subject matter as in claim 43, plus the consideration of claim 33 further in view of Cates or Galyon.

20) In considering claim 56-61, 66-67, 72, 75-76 and 81, Su, Lowe and Zimmermann et al. made obvious all of the claimed subject matter as in the consideration of claims 2-16.

21) In considering claim 62, Su, Lowe and Zimmermann et al. made obvious all of the claimed subject matter as in 56, plus the consideration of claim 33.

22) In considering claim 63, Su, Lowe, and Zimmermann et al. made obvious all of the claimed subject matter as in 62, wherein:

--the claimed comparing the data from the pest control device sensor to pest activity in the pest control devices is met by the monitoring and comparing shown by Figs. 7-8 of Su.

23) In considering claim 69, Su, Lowe and Zimmermann et al. made obvious all of the claimed subject matter as in claim 8, plus the consideration of claim 68.

24) In considering claim 70, Su, Lowe and Zimmermann et al. made obvious all of the claimed subject matter as in claim 15, except:

--the claimed predicting future behavior of the one or more species of pest from said evaluating.

However, since Su disclosed recording multiple zones of pest activities over a period of time for evaluation (Figs. 7-8) for determining action to be taken, such as future placement of pest control devices and toxins in terms of location and number, it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to predict future behavior of the pest from the evaluating in order to plan and determine such future placements in a system such as taught by Su, Lowe and Zimmermann et al.

25) In considering claim 71, Su, Lowe and Zimmermann et al. made obvious all of the claimed subject matter as in claim 16, plus the consideration of claim 68.

26) In considering claim 73, Su, Lowe and Zimmermann et al. made obvious all of the claimed subject matter as in claim 63, plus the consideration of claim 70.

27) In considering claim 74, Su, Lowe and Zimmermann et al. made obvious all of the claimed subject matter as in claim 56, plus the consideration of claim 68.

28) In considering claim 78, Su, Lowe and Zimmermann et al. made obvious all of the claimed subject matter as in claim 75, plus the consideration of claim 19.

29) In considering claim 80, Su, Lowe and Zimmermann et al. made obvious all of the claimed subject matter as in claim 75, plus the consideration of claim 68.

7. **Claims 16-20 and 22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Su in view Lowe.

1) In considering claims 16-18:

a) Su disclosed the claimed pest control device (Figs. 1-3) comprising at least one bait member operable to be consumed or displaced by on e ore more species of pest (col. 5, lines 53-63), and a communication circuit (Fig. 3) responsive to a wireless interrogation signal to transmit a unique identification signal corresponding to the pest control device (col. 3, lines 45-64; col. 1, line 5 to col. 2, line 39), wherein discrete multi-bit code for corresponding pest control device is inherent in order to distinguish the plurality of pest control devices according to Figs. 3 and 7;

except:

b) the claimed communication circuit of the pest control device is a passive RF communication circuit responsive to an interrogation stimulation signal.

Su teaches a pest control device including a pest presence status monitoring circuit having a pest presence sensor so that the status can be interrogated and location determined (col.

3, lines 45-64 and col. 4, lines 18-30 and Figs. 2-3 & 7), wherein the status of the pest control device can be wirelessly communicated to a remote data receiver (wireless link of Fig. 3), wherein the wireless link transmitter on the pest control device inherently requires a power source locally, making it an active wireless circuit, but did not specify the coupling link between the sensor and such active wireless transmitter.

Lowe teaches that a parameter monitoring device for obtaining the status of the parameter can be implemented using a stimulation interrogation-response type RF transponder and interrogator combination, wherein the transponder alters its transmission based on the status of the parameter which is transmitted back to the interrogator along with its discrete multi-bit identification code, wherein such passive RF transponder needs no local power supply and is powered using the interrogation signal energy (Abstract; col. 3, lines 2-36 and the figure, wherein the pressure parameter sensing is used only as an illustrative example of the parameter interrogation system and thus switch 14 and sensor 16 together are consistent with the broken-circuit detection of Su in accordance with col. 5, lines 34-60 of Su as an intended use).

In view of the teachings by Su and Lowe, it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to use a wireless link such as taught by Lowe using a RF interrogator and transponder combination to implement the link between the parameter sensor of the pest control device and the wireless communication circuit in a system such as taught by Su to provide physical convenience of a wire-free and thus tangle-free coupling between the sensor and the communication circuit, and further not requiring a local power source at the sensor since energy is provided from the interrogator of the communication circuit. Furthermore, it would have been obvious to one of ordinary skill in the art at the time of

the claimed invention to choose the well-known and conventional radio frequency (RF) as the specific type of active wireless communication circuit of choice without unexpected results.

2) In considering claim 19, Su and Lowe made obvious all of the claimed subject matter as in claim 16, including:

--the claimed electrically conductive loop (Figs. 4-5 of Su) coupled to said passive RF communication circuit, said loop being arranged to be altered during consumption or displacement of said bait member to provide status signal having a first state indicating said loop is electrically closed and a second state indicating said loop is electrically open (col. 5, lines 34-63 of Su in combination with Fig. 1 of Lowe).

3) In considering claim 20, Su and Lowe made obvious all of the claimed subject matter as in claim 16, including:

--the claimed housing (Figs. 4-5 of Su).

4) In considering claim 22, Su and Lowe made obvious all of the claimed subject matter as in claim 16, including:

--the claimed further comprising a sensor for measuring a change in at least one of temperature, humidity or barometric pressure (humidity sensor according to col. 7, lines 26-35 of Su).

8. **Claims 31, 46, 77 and 79** are rejected under 35 U.S.C. 103(a) as being unpatentable over Su in view of Lowe, Zimmermann et al. and Moskowitz et al.(US pat. #5,528,222).

1) In considering claim 31, Su, Lowe and Zimmermann et al. made obvious all of the clailmed subject matter as in claim 30, except:

--the claimed wireless communication circuit of the pest control devices includes an active RF transponder energized by a stimulation signal from the interrogator.

While the system taught by Su, Lowe and Zimmermann et al. uses passive transponders, Moskowitz et al. teaches that active and passive transponders are known alternatives in the art for providing the same interrogation-response function (col. 1, lines 21-28). It would have been obvious to one of ordinary skill in the art at the time of the claimed invention that one or more of the communication circuits of the pest control devices in a system such as taught by Su, Lowe and Zimmermann et al. can be implemented by an active RF communication circuit as an alternative such as taught by Moskowitz et al., whereby active transponders can provide longer range transmissions than passive ones due to use of local battery so that the transmission power is independent of interrogation signal energy.

2) In considering claim 46, Su, Lowe and Zimmermann et al. made obvious all of the claimed subject matter as in claim 43, plus the consideration of claim 31 in view of Moskowitz et al.

3) In considering claim 77, Su, Lowe and Zimmermann et al. made obvious all of the claimed subject matter as in claim 75, plus the consideration of claim 31 in view of Moskowitz et al.

4) In considering claim 79, Su, Lowe and Zimmermann et al. made obvious all of the clailmed subject matter as in claim 75, except:

--the claimed wherein the passive transponder further comprises an active RF communication circuit.

While the system taught by Su, Lowe and Zimmermann et al. uses passive transponders, Moskowitz et al. teaches that active and passive transponders are known alternatives in the art for providing the same interrogation-response function (col. 1, lines 21-28). It would have been obvious to one of ordinary skill in the art at the time of the claimed invention that one or more of the communication circuits of the pest control devices in a system such as taught by Su, Lowe and Zimmermann et al. can be implemented by a passive, an active, or a combination active and passive RF communication circuit as an alternative, since passive and active RF transponders are well known alternatives such as taught by Moskowitz et al., whereby a combination passive and active transponder can provide longer range or stronger reading transmissions when necessary or desired by a user, and can also provide passive interrogation for shorter range or weaker readings but not depleting the onboard battery when longer range or stronger transmissions are not required or desired.

9. **Claims 50-52 and 55** are rejected under 35 U.S.C. 103(a) as being unpatentable over Su in view of Lowe and Allen et al. (US pat. #6,178,834).

1) In considering claims 50-52, Su disclosed all of the claimed subject matter as in claim 1, including:

a) the claimed pest sensor (Figs. 4-5);

except:

b) the claimed communication circuit of the pest control device includes a passive RF transmitter configured to transmit information responsive to stimulation signal interrogation, said information corresponding to a first environmental characteristic detected with an environmental sensor and pest detection status determined with said pest sensor.

Su teaches a pest control device including a pest presence status monitoring circuit having a pest presence sensor so that the status can be interrogated and location determined (col. 3, lines 45-64 and col. 4, lines 18-30 and Figs. 2-3 & 7) wherein status information once obtained from the sensor is wirelessly reported to a remote data collection unit from the sensor locale inherently using transceiver equipment. Su also suggested that termites prefer humid and warm climates (col. 5, lines 59-60), and teaches using a sensor for monitoring humidity changes (humidity sensor according to col. 7, lines 26-35).

Lowe teaches that parameter status can be obtained locally using wireless interrogation-response type transponder and interrogator combination at the sensor locale/proximity, wherein the transponder alters its transmission based on the status of the parameter which is transmitted back to the interrogator along with its identification code using (passive) RF transponder communication (Abstract; col. 3, lines 2-36 and the figure, wherein the pressure parameter sensing is used only as an illustrative example of the parameter interrogation system and thus switch 14 and sensor 16 together are consistent with the broken-circuit detection of Su in accordance with col. 5, lines 34-60 of Su as an intended use).

Allen et al. teaches that an interrogated transponder can be used to communicate status of a plurality of sensed parameter parameters (Fig. 9, which communicates both temperature and pressure parameters).

In view of the teachings by Su, Lowe and Allen et al., it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to use a wireless local link such as taught by Lowe between the sensor and the inherent transceiver means in a system such as taught by Su for reporting the pest status to the remote data collection unit to avoid crowding and

entanglement problems associated with use of a wired link at the pest control device installation cite, and furthermore that for multiple sensor parameters (open-circuit pest presence detection status and humidity change status), frequency and bandwidth modulation techniques such as taught by Allen et al. can be used for implementing a transponder and multiple-sensors combination so that separate components for multiple sensors are not required to impart cost savings and simplicity of the pest control device assembly.

2) In considering claim 55, Su, Lowe and Allen et al. made obvious all of the claimed subject matter as in claim 50, including:

--the claimed plurality of pest control devices (Figs. 2-3 of Su).

10. **Claims 53** are rejected under 35 U.S.C. 103(a) as being unpatentable over Su in view of Lowe, Allen et al. and Moskowitz et al.

1) In considering claim 53, Su, Lowe and Allen et al. made obvious all of the claimed subject matter as in claim 50, wherein:

While the system taught by Su, Lowe and Allen et al. uses passive transponders, Moskowitz et al. teaches that active and passive transponders are known alternatives in the art for providing the same interrogation-response function (col. 1, lines 21-28). It would have been obvious to one of ordinary skill in the art at the time of the claimed invention that one or more of the communication circuits of the pest control devices in a system such as taught by Su, Lowe and Allen et al. can be implemented by an active RF communication circuit as an alternative such as taught by Moskowitz et al., whereby active transponders can provide longer range transmissions than passive ones due to use of local battery so that the transmission power is independent of interrogation signal energy.

Allowable Subject Matter

11. **Claims 36-42** are allowed.

12. **Claims 21, 48, 54 and 64-65** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

NOTICE Regarding IDS

13. It is noted that IDS filed 5/17/01 (paper #4) is missing from the application file. This may have been due to handling of the application file within the Office as a result of transfer procedures of the application. Applicant is requested to kindly resubmit that IDS so that the file record is complete and the examiner can consider them. Copies for US patents/publications are not necessary as they are accessible by Examiner.

NOTICE Regarding Priority

14. It is noted that a copy of PCT/US99/16519 has not been found in the application file.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) Su, US pat. #6,404,210

--A similar termite monitoring system.

2) Hayes et al., US pat. #6,339,897

--A known use of environmental data sensing in association with pest control (Figs. 3-9).

3) Bishoff et al., US pat. #6,016,625

--A similar pest monitoring/controlling system.

4) Su, US pat. #6,397,516

--A similar termite detecting/controlling system.

5) Omata et al., US pat. #5,024,832

--A similar termite detection/capture system.

6) Otomo, US pat. #5,877,422

--A similar termite detection alarm system.

7) Burns et al., US pat. #6,370,812

--A similar termite detection and controlling system.

8) Creeger et al., US pat. #5,974,726

--A similar pest controlling method/apparatus.

9) Scribner et al., US pat. #4,688,026

--A known use of hand-held interrogator for collecting data from transponders.

10) Nevalainen, US pat. #4,105,971

--A known detection of temperature change by detecting magnetic property change of a magnetic material.

11) Gershenfeld et al., US pat. #6,025,725

--A known use of portable interrogation of a transponder having an external condition sensor for the purpose of wireless monitoring and control.

12) Cates, US pat. 6,178,834

--A known detection/suppression system of termites suggesting that lack of detected termite presence indicates lack of termite presence in the area only under certain termperature conditions (col. 24, lines 57-61 and col. 25, lines 39-47).

13) Galon, US pat. #5,592,774

--A similar termite remote monitoring system wherein moisture is monitored to detect termite presence.

14) Martin et al., US pat. #6,150,944

--A similar termite monitor with gas and temperature sensors.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin C. Lee whose telephone number is (703) 306-4223. The examiner can normally be reached on Mon -Fri 11:00Am-7:30Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on (703) 308-6730. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-8576.

Benjamin C. Lee
Primary Examiner
Art Unit 2632

B.L.
May 18, 2003